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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/130,998 08/07/98 STERN

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LM01/0505
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EXAMINER

CAUDLE, P

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

05/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/130,998

Applicant(s)
Stern, Micheal

Examiner
Penny Caudle

Group Art Unit
2765



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5 & 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 4-6, 10-12, and 16-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Harrison, III et al (U.S. 5,642,484).

As per claim 1, Harrison, III et al disclose a method for disseminating information concerning a product, said method comprising:

-creating a database containing said information, as stated in column 3 lines 61-65, "Such processing, storage, communication, and reporting hardware capacity is conventional and may be implemented in conventional relational database applications...";

-transmitting said information to a site remotely disposed with respect to said database, as stated in column 4 lines 6-9, "It also shows hierarchical control in which information may be distributed to remote control locations...";

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-providing a perceivable stimulus, from said information, to said consumer upon said consumer being positioned proximate to said product, with said stimulus being associated with said product, as stated in column 4 lines 63-65, "When a customer is detected, the automate device 10 provides voice information to the relevant pump top display 34, such as a packet of advertisements."

As per claim 2, Harrison, III et al disclose all the limitations as set forth in claim 1 above with the addition of said providing step is repeated multiple times and further including a step of quantifying said multiple times, defining statistical data. As stated in column 3 lines 56-61, "The service bureau 12 is also adapted to receive data relating to actual presentation of the information, such as number of times and times of day that certain advertisements were displayed, and other related information as desired from the automated devices 10, to store that data, and to report it as desired."

As per claim 4, Harrison, III et al disclose all the limitations as set forth in claim 1 above with the addition of said stimulus is dependent upon predetermined criteria of said ambient proximate to said product. As stated in column 5 lines 1-3, "The information changes depending on input from ambient noise sensors 37 and environmental sensors 40."

As per claim 5, Harrison, III et al disclose all the limitations as set forth in claim 1 above with the addition of said stimulus is selected from the set consisting of auditory, visual, olfactory and tactile. As stated in column 5 lines 18-20, "...in order to determine whether customers are

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present. If they are, the software may retrieve, communicate to display devices 38, and thus present audio and/or video messages on display devices 34.”.

As per claim 6, Harrison, III et al disclose all the limitations as set forth in claim 2 above with the addition of conveying said statistical data to said database. As stated in column 3 lines 56-61, “The service bureau 12 is also adapted to receive data relating to actual presentation of the information, such as number of times and times of day that certain advertisements were displayed, and other related information as desired from the automated devices 10, to store that data, and to report it as desired.”.

As per claims 10 and 16, Harrison, III et al disclose a method for disseminating information concerning multiple products, said method comprising:

- creating a database containing said information, as stated in column 3 lines 61-65, “Such processing, storage, communication, and reporting hardware capacity is conventional and may be implemented in conventional relational database applications...”;

- transmitting said information to a plurality of sites remotely disposed with respect to said database, with a subset of said sites corresponding to differing products, as stated in column 4 lines 3-12, “...the service bureau 12 is shown communicating directly with a number of automated devices...It also shows hierarchical control in which information may be distributed to remote control locations. That location may receive information and then control its storage, processing and display in real-time...at a number of individual locations 11...corresponding to automated devices 10.”;

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-providing a perceivable stimulus, from said information, to said consumer upon said consumer being positioned proximate to one of said plurality of sites, with said stimulus being associated with one of said multiple products, as stated in column 4 lines 63-65, "When a customer is detected, the automate device 10 provides voice information to the relevant pump top display 34, such as a packet of advertisements."

As per claims 11 and 17, Harrison, III et al disclose all the limitations as set forth in claims 10 and 16 above with the addition of said providing step is repeated multiple times and further including a step of quantifying said multiple times, defining statistical data. As stated in column 3 lines 56-61, "The service bureau 12 is also adapted to receive data relating to actual presentation of the information, such as number of times and times of day that certain advertisements were displayed, and other related information as desired from the automated devices 10, to store that data, and to report it as desired."

As per claims 12 and 18, Harrison, III et al disclose all the limitations as set forth in claims 10 and 16 above with the addition of accumulating content associated with a subgroup of said multiple products and associating said content with predetermined parameters, said parameter including group definitions and date ranges. As stated in column 5 lines 40-45, "...the software checks for incoming information from the service bureau 12, downloads it, stores it in appropriate locations, and if desired, uploads appropriate information to the service bureau 12. That information may include counts of ads or other information actually displayed..."

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, 13-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison, III et al (U.S. 5,642,484) in view of Fite et al (U.S. 5,557,721).

As per claim 3, Harrison, III et al disclose all the limitations as set forth in claim 1 above. Harrison, III et al fail to disclose said transmitting step includes forming, from a subportion of said information, a distribution database having content data, with said content data being defined by said stimulus. Fite et al disclose a method and apparatus for display advertising comprising transmitting information based on file distribution tables, as stated in column 6 lines 4-6, "The file distribution table and the file retrieval table in the host memory 140 regulate what files are sent to the remote systems...". Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method taught by Harrison, III et al with the addition of file distribution tables in order to distribute specific data to specific remote terminals/devices.

As per claim 7, Harrison, III et al and Fite et al disclose all the limitations as set forth in claim 3 above. They fail to disclose compressing said distribution file and distributing said distribution file to said site via satellite. Harrison, III et al does disclose distribution of data via

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satellite, as stated in column 3 lines 39-41, "The information may be stored and processed as desired at the service bureau 12 and then disseminated through the satellite link to the automated devices 10.". In addition, Official Notice is given that the use of data compressing for transferring multimedia files is old and well known in the art. Therefore, it would have been obvious to implement the system taught by Harrison, III et al and Fite et al with the addition of data compressing in order to decrease the transfer time of the data file.

As per claims 13 and 19, Harrison, III et al disclose all the limitations as set forth in claims 12 and 18 above. Harrison, III et al fail to disclose forming a distribution database having plurality of records, said records including a subportion of said content and corresponding to a server address, with a subpart of said plurality of sites being associated with said server address. Fite et al disclose a method and apparatus for display advertising comprising transmitting information based on file distribution tables, as stated in column 6 lines 4-6, "The file distribution table and the file retrieval table in the host memory 140 regulate what files are sent to the remote systems...". In addition, Official Notice is given that the use of the server address to indicate a particular location or server is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method taught by Harrison, III et al with the addition of file distribution tables in order to distribute specific data to specific remote terminals/devices.

As per claims 14 and 20, Harrison, III et al and Fite et al disclose all the limitations as set forth in claim 13 and 19 above. They fail to disclose compressing said distribution file and

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distributing said distribution file to said site via satellite. Harrison, III et al does disclose distribution of data via satellite, as stated in column 3 lines 39-41, "The information may be stored and processed as desired at the service bureau 12 and then disseminated through the satellite link to the automated devices 10.". In addition, Official Notice is given that the use of data compressing for transferring multimedia files is old and well known in the art. Therefore, it would have been obvious to implement the system taught by Harrison, III et al and Fite et al with the addition of data compressing in order to decrease the transfer time of the data file.

As per claim 15, Harrison, III et al and Fite et al disclose all the limitations as set forth in claim 14 above. They fail to disclose said site is disposed a predetermined distance from said product to maximize association of said stimulus with said product. Harrison, III et al does disclose the use of the method for point-of-sale locations (col.5 line 66). In addition, Official Notice is given that positioning of point-of-sale devices/displays a predetermined distance from the product of interest is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Harrison, III et al and Fite et al by placing the site/device a predetermined distance from said product in order to stimulate impulse buying by the customer.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison, III et al (U.S. 5,642,484).

As per claim 8, Harrison, III et al disclose all the limitations as set forth in claim 1 above. They fail to disclose said site is disposed a predetermined distance from said product to

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maximize association of said stimulus with said product. Harrison, III et al does disclose the use of the method for point-of-sale locations (col.5 line 66). In addition, Official Notice is given that positioning of point-of-sale devices/displays a predetermined distance from the product of interest is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Harrison, III et al by placing the site/device a predetermined distance from said product in order to stimulate impulse buying by the customer.

As per claim 9, Harrison, III et al disclose all the limitations as set forth in claim 1 above with the addition of transmitting said information to a plurality of sites remotely disposed with respect to said database, with a subset of said sites corresponding to differing products, with each of said sites of said subset of providing a perceivable stimulus associated with the product corresponding thereto. As stated in column 4 lines 3-12, "...the service bureau 12 is shown communicating directly with a number of automated devices...It also shows hierarchical control in which information may be distributed to remote control locations. That location may receive information and then control its storage, processing and display in real-time...at a number of individual locations 11...corresponding to automated devices 10.". Harrison, III et al fail to disclose said information concerns a plurality of differing products or the distance between said sites of said subset being established to minimize displacement of the stimulus associated with each of said subset of sites. Harrison, III et al does disclose the use of the method for point-of-sale locations (col.5 line 66). In addition, Official Notice is given that positioning of point-of-

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sale devices/displays a predetermined distance from the products of interest is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the system taught by Harrison, III et al by placing a plurality of sites/devices a predetermined distance from said products in order to stimulate impulse buying of different products by the customers.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Revesz et al (U.S. 4,962,466) disclose an electronic product information display system.

-Cragun et al (U.S. 5,504,675) disclose a method and apparatus for automatic selection and display of sales promotions.

-Vela et al (U.S. 4,882,724) disclose a communication system for marketing area locations.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Penny Caudle whose telephone number is (703) 305-0756. The examiner can normally be reached Monday-Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.


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The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

plc

April 28, 1999



ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER